

CHAPTER NO. 311

HOUSE BILL NO. 1508

By Representative Buck

Substituted for: Senate Bill No. 1569

By Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 21, Part 1 relative to the judicial council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-21-107(a), is amended by deleting subdivision (3) and by substituting instead the following:

(3)

(A) Report annually, on or before December 31st, to the General Assembly, Governor and the Supreme Court on the condition of business in the judicial department. The report shall be a public record, and the council shall file copies thereof with the Clerk of the Supreme Court and make the report accessible to the bar and to the public generally.

(B) In accordance with the provisions of Section 2 of this act, the council shall also report its recommendation concerning any legislation proposing creation or reallocation of any Judgeship, District Attorney General, Assistant District Attorney General, Public Defender, Assistant Public Defender or staff for any such offices. Such legislation must be filed with the judicial council by August 12th prior to the Legislative Session in which a recommendation is required. The August 12th deadline may be waived if the chair of the judicial council, the chair of the judiciary committee of the Senate and the chair of the judiciary committee of the House of Representatives determine that, due to circumstances beyond the control of the sponsor, the legislation could not reasonably be filed by the deadline and that the legislation is necessitated by an emergency situation of sufficient importance to the judiciary that the interests of justice merit the waiver of such deadline.

SECTION 2. Tennessee Code Annotated, Section 16-21-107(a), is amended by adding the following language as a new, appropriately designated subdivision:

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(A) If legislation is introduced in the Senate and/or House of Representatives proposing creation or reallocation of a Judgeship, District Attorney General, Assistant Attorney General, Public Defender, Assistant Public Defender or staff for any such offices, then such legislation must be properly filed with the judicial council pursuant to item (a)(3)(B) of this section and must be referred to the appropriate standing committee. No action shall be taken on such proposed legislation by the standing committee until the council reports its recommendation as well as its analysis of the cost and impact of such legislation; provided,

however, if the council fails to comply with the deadline established within item (D) of this subdivision, then the standing committee may take action on such legislation without further delay.

(B) Using case weights derived from the most recent weighted caseload study, the Comptroller of the Treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of such judicial positions. The Comptroller shall update such formula at least annually. Each District Attorney General and each District Public Defender, separately or through the appropriate conference, and the administrative office of the courts, shall provide to the Comptroller such information as the Comptroller determines is necessary to accomplish the purposes of this section. The Comptroller may adjust such formula as necessary to reflect the impact of any legislative enactment that is material to judicial caseloads. Using such formula, information and adjustments, the Comptroller shall annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the State as well as the current need, if any, for creation or reallocation of such positions. Recommendations of the judicial council, regarding any bill referral made pursuant to item (A) of this subdivision, shall be consistent with the findings of the Comptroller's most recently published weighted caseload report; provided, however, if the council specifically determines that a particular judicial district possesses unique and material characteristics not evaluated and considered within such weighted caseload report, then the council's recommendations with respect to such district may deviate from the findings of such caseload report. If the council proposes alteration of the weighted caseload formula, then such proposal must be published within the report required by item (a)(3)(A) of this section and must be timely submitted to the Speaker of the Senate, the Speaker of the House of Representatives and the Comptroller of the Treasury in the proper form of a proposed legislative enactment.

(C) If, with respect to any legislation filed with the council pursuant to item (A) of this subdivision, the judicial council recommends passage of such legislation only with adoption of an amendment approved by a majority vote of the council, then the council must cause such amendment to be prepared in proper form and filed with the Chief Clerks of both Houses of the General Assembly. The Chief Clerks of both Houses shall cause the recommended amendment to be reproduced and placed upon the desk of each member of the appropriate standing committee, and the standing committee shall not recommend such legislation for passage without first considering such amendment; provided, however, if the council fails to comply with the deadline established within item (D) of this subdivision, then the standing committee may take action on such legislation without further delay.

(D) Recommendations, with regard to any legislation filed with the judicial council pursuant to item (A) of this subdivision, must be reported to the appropriate standing committee no later than five (5) weeks after the later of the dates established by the House of Representatives or the Senate for cutting off introduction of new bills.

(E) The judicial council may review and comment on any proposed legislation which is not required to be filed with the council pursuant to item (A) of this subdivision; however, the standing

committees and the General Assembly are not required to delay action on such legislation pending any such review and comment by the council.

SECTION 3. Tennessee Code Annotated, Section 16-21-101, is amended by deleting the words and punctuation "the Speaker of the Senate; the Speaker of the House of Representatives;" and by substituting instead the following:

the Speaker of the Senate, or the Speaker's designee; the Speaker of the House of Representatives, or the Speaker's designee;

SECTION 4. This act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: May 20, 1999



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 1999



DON SUNDQUIST, GOVERNOR